

Case: 2:21-cv-04834-EPD Doc #: 1 Filed: 09/28/21 Page: 1 of 9 PAGEID #: 1
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Eastern DIVISION AT 85 Marconi, Columbus, Ohio 43215

FRANK ORDERS
6183 CHEYENNE CREEK DR
LEWIS CENTER, OH 43035
Plaintiff

CASE NC 2:21 CV 4834

vs

JUDGE

Judge Morrison

KATHY COCUZZI
CITY OF WESTERVILLE MAYOR
21 S STATE ST
WESTERVILLE, OH 43081
DEFENDANT

MAGISTRATE JUDGE DRAVENS

121 SEP 28 PM 2:41
U.S. DISTRICT COURT
WESTERVILLE, OHIO
LAST DAY: COLUMBUS

FILED
RICHARD W. MAGEE
CLERK OF COURT

COMPLAINT

COUNT ONE

1. Kathy Cocuzzi, Mayor of the City of Westerville, Ohio, hereby called Defendant, violated my 1st Amendment rights of freedom of religion by proclaiming an Emergency Declaration, which in clause has no end date, to mandatorily wear masks in any Westerville building which includes the recreation center where I work out.

Exhibit A

COUNT TWO

1. Plaintiff refers to its Count One herein above and incorporates those allegations herein, and further says that Defendant rejected my Request for Religious Exemption To Mask Mandate further violating my 1st Amendment rights of Religion.

Exhibit B pages one and two

1. Plaintiff refers to Count One and Two herein above and incorporates those allegations herein, and further says that Plaintiff MAY have received Federal Funds to the City to institute this Declaration (Mandate)

MEMORANDUM IN SUPPORT

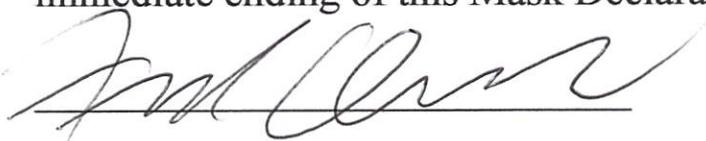
Defendant states in the declaration that we are in a crisis but does not state what the Crisis is or any facts to back such a proclamation. It does not state who the doctors are or which hospitals are declaring such a crisis. It justifies restricting my Religious beliefs for forced masking on the neighboring cities doing so which in itself is not factual justification.

Defendant provided not scientific data that masks prevent the spread of the Covid Virus. Dr Fauci in January of 2021 said that masks do nothing but make people feel good. At the Recreation Center where we share weight machinery and bottles of disinfectant while we take off and on these masks while working out. We went all summer without masks in this Recreation Center without any cases that have been reported or we would have been shut down.

A person's face is made in the image of God and to cover it up is a sin. The Recreation Center is a Public Building and should not be used to discriminate against a person because of their religious beliefs.

Schools systems have received Federal Monies to Mandate a Mask Policy and the City of Westerville May have received these monies as well.

associated with the filing of this Complaint as well as to an immediate ending of this Mask Declaration (Mandate).



Frank Orders Plaintiff
6183 Cheyenne Creek Dr
Lewis Center, Oh 43035 614 203-5861

Certificate of Service

I hereby certify that a true and exact copy of the foregoing was served upon the office of the City of Westerville, Ohio



UNITED STATES DISTRICT COURT

for the

District of

Division

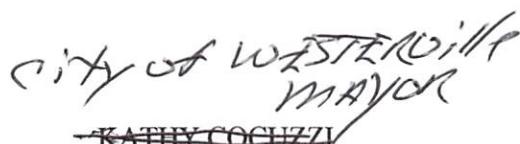
FRANK ORDERS

Case No. 2:21 CV 4834
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-


-KATHY COCUZZI-

Judge Morrison

REGISTRAR JUDGE DEAVENS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address

FRANK ORDERS
6183 CHEYENNE CREEK DR
LEWIS CENTER
OHIO 43035
614-203-5861

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

KATHY COCUZZI
MAYOR
21 S STATE ST
WESTERVILLE OH
43035
614-901-6400

Defendant No. 2

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Defendant No. 3

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

Defendant No. 4

Name
Job or Title (*if known*)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (*if known*)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FIRST AMENDMENT RIGHT OF FREEDOM OF RELIGION BY PROCLAIMING AN EMERGENCY DECLARATION, WHICH HAS NO END DATE, TO MANDATORILY WEAR MASK IN THE RECREATION BUILDING WHERE I WORK OUT WHILE DENYING A RELIGIOUS EXEMPTION.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____ and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* KATHY COCUZZI _____, is a citizen of the State of *(name)* OHIO _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

0

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

WESTERVILLE RECREATION CENTER, WESTERVILLE OHIO

B. What date and approximate time did the events giving rise to your claim(s) occur?

SEPTEMBER 8, 2021

C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

DENIAL OF RELIGIOUS EXEMPTION FROM THE WESTERVILLE MASK DECLARATION

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

AN IMMEDIATE END TO THE WESTERVILLE MASK DECLARATION AND OR GRANTING OF MY RELIGIOUS EXEMPTION

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

9/28/21

Signature of Plaintiff



Printed Name of Plaintiff

FRANK OKTELNS

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address
